

**ASSEMBLY BILL**

**No. 2162**

---

**Introduced by Assembly Member Fox**

February 20, 2014

---

An act to amend Section 1531.1 of the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as introduced, Fox. Residential facilities.

Existing law defines a residential facility as any family home, group care facility, or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual. Existing law allows a residential facility licensed as an adult residential facility, group home, small family home, foster family home, or a family home certified by a foster family agency to install and utilize delayed egress devices that preclude the use of exits for a predetermined period of time. Existing law requires the facility utilizing these devices to be subject to all fire and building codes, regulations, and standards applicable to residential care facilities for the elderly utilizing delayed egress services, among other requirements.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1531.1 of the Health and Safety Code is amended to read:

1531.1. (a) A residential facility licensed as an adult residential facility, group home, small family home, foster family home, or a family home certified by a foster family agency may install and utilize delayed egress devices of the time delay type.

(b) As used in this section, “delayed egress device” means a device that precludes the use of exits for a predetermined period of time. These devices shall not delay any resident’s departure from the facility for longer than 30 seconds.

(c) Within the 30 seconds of delay, facility staff may attempt to redirect a resident who attempts to leave the facility.

(d) Any person accepted by a residential facility or family home certified by a foster family agency utilizing delayed egress devices shall meet all of the following conditions:

(1) The person shall have a developmental disability as defined in Section 4512 of the Welfare and Institutions Code.

(2) The person shall be receiving services and case management from a regional center under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

(3) An interdisciplinary team, through the Individual Program Plan (IPP) process pursuant to Section 4646.5 of the Welfare and Institutions Code, shall have determined that the person lacks hazard awareness or impulse control and requires the level of supervision afforded by a facility equipped with delayed egress devices, and that but for this placement, the person would be at risk of admission to, or would have no option but to remain in, a more restrictive state hospital or state developmental center placement.

(e) The facility shall be subject to all *of the* fire and building codes, regulations, and standards applicable to residential care facilities for the elderly utilizing delayed egress devices, and shall receive approval by the county or city fire department, the local fire prevention district, or the State Fire Marshal for the installed delayed egress devices.

(f) The facility shall provide staff training regarding the use and operation of the egress control devices utilized by the facility,

1 protection of residents' personal rights, lack of hazard awareness  
2 and impulse control behavior, and emergency evacuation  
3 procedures.

4 (g) The facility shall develop a plan of operation approved by  
5 the State Department of Social Services that includes a description  
6 of how the facility is to be equipped with egress control devices  
7 that are consistent with regulations adopted by the State Fire  
8 Marshal pursuant to Section 13143.

9 (h) The plan shall include, but shall not be limited to, all of the  
10 following:

11 (1) A description of how the facility will provide training for  
12 staff regarding the use and operation of the egress control devices  
13 utilized by the facility.

14 (2) A description of how the facility will ensure the protection  
15 of the residents' personal rights consistent with Sections 4502,  
16 4503, and 4504 of the Welfare and Institutions Code.

17 (3) A description of how the facility will manage the person's  
18 lack of hazard awareness and impulse control behavior.

19 (4) A description of the facility's emergency evacuation  
20 procedures.

21 (i) Delayed egress devices shall not substitute for adequate staff.  
22 Except for facilities operating in accordance with Section 1531.15,  
23 the capacity of the facility shall not exceed six residents.

24 (j) Emergency fire and earthquake drills shall be conducted at  
25 least once every three months on each shift, and shall include all  
26 facility staff providing resident care and supervision on each shift.